REMARKS

1.   Present Status of Patent Application

In response to the Office Action dated April 10, 2006, Applicants respectfully request reconsideration based on the following amendments and remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

2.   Telephone Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Ramakrishnaiah spent with Applicants' Attorney, Charles W. Griggers during a telephone discussion on June 16, 2006 regarding the outstanding Office Action. During this conversation, Applicants' representative presented suggested amendments that were believed to overcome the cited references and the cited references were discussed. However, a consensus was not reached during this conversation. Thus, Applicants respectfully request that Examiner carefully consider this response and the amendments contained herein.

3.   Rejection of Claims under 35 U.S.C. § 112, First Paragraph

The Office Action rejected claims 1-32 for allegedly failing to comply with the enablement requirement. In particular, the Office Action states that support in the specification is not able to be found for "limitations such as detect which one of the plurality of registered communication devices was used to view notification first and rout the call to the registered communication device that was used to view the notification first." Page 2. To advance prosecution, the claims have been amended and are believed to satisfy the concerns stated in the Office Action.

4.   Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1, 3-10, 14-16, 20-22, 24-25, 29-30, and 31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* (U.S. Patent No. 6,683,870) in view of *Reding* (U.S. Patent Application Publication No. 2004/0213312 A1). Claims 2, 11-12, 23, and 32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Reding* in further

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view of *Cermak* (U.S. Patent No. 6,763,095). Claims 13, 17-19, and 26-28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Archer* in view of *Reding* in further view of *Cermak* in further view of *Balasuriya* (U.S. Patent Publication No. 2003/0041048). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. <u>Claim 1</u>

As provided in independent claim 1, Applicants claim:

An intelligent interactive call handling system, comprising:

a central office operable to trigger a query responsive to receiving a call request for a called party at a called party telephone number;

call-handling device coupled to the central office, the call-handling device operable to receive the query, and trigger an internet call routing query;

an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, route the call in accordance with instruction from the called party that is received in reply to the notification; and route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.

(Emphasis Added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Archer* in view of *Reding* does not disclose, teach, or suggest at least "an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, route the call in accordance with instruction from the called party that is received in reply to the notification; and route the call to the called party telephone number if no instruction is

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received from the called party in reply to the notification after a set period of time," as recited and emphasized above.

For example, *Archer* appears to disclose a system for a "find me" service where a call place to a telephone number for the "find me" service which causes call notifications to be sent to phone numbers in the called party's record "If any one of these locations pick up, a response IP packet is sent to the packet-switched network. Upon receipt of the response packet, the packet-switched network begins routing the packets from the caller to the called party's designation. . . . If no numbers in the primary group answer, the packet-switched network can then forward the call to the secondary group, which typically consists of a voice mail, or pager number." Col. 4, lines 43-57. As such, in *Archer*, the called party telephone number is not answered, and the call is always forwarded to another number. Accordingly, *Archer* individually and in combination with *Reding* fails to teach or suggest "an internet call routing system coupled to the call-handling device, the internet call routing system being operable to receive the internet call routing query, send a notification of the incoming call to the called party at a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call, route the call in accordance with instruction from the called party that is received in reply to the notification; and route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in the claim.

For example, *Reding* appears to disclose a system having a "notification server function 520 at the direction of application server function 516 may send a notification to user terminal 112 that the user is presently receiving a phone call at user's phone 114." Para. 0066. Accordingly, *Reding* teaches that a notification is sent while an incoming call has already been directed to a called party number. It fails to show at least to "route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 1. Therefore, *Reding* fails to cure the deficiencies of the *Archer* reference in suggesting or teaching all of the claimed features in claim 1. Therefore, a prima facie case establishing an obviousness rejection by the proposed combination of *Archer* in view of *Reding* has not been made.

For at least this reason, the rejection of claim 1 should be withdrawn.

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b. Claims 2-6

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-6 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims contain all the steps and features of independent claim 1. *See In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Further, the cited art of *Cermak* fails to cure the deficiencies of the *Archer* and *Reding* references.

Additionally and notwithstanding the foregoing reasons for allowability of claims 2-6, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the references of record.

c. Claim 7

As provided in independent claim 7, Applicants claim:

> An internet call routing system, comprising:
> receive logic operable to receive a call query to a called party telephone number from a call-handling device via a gateway;
> *call notification logic being operable to send a notification to the called party via a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call; and*
> *forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.*

(Emphasis Added).

Applicant respectfully submits that independent claim 7 is allowable for at least the reason that *Archer* in view of *Reding* does not disclose, teach, or suggest at least "call notification logic being operable to send a notification to the called party via a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call; and forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and route the call to the called party

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telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above.

For example, *Archer* appears to disclose a system for a "find me" service where a call place to a telephone number for the "find me" service which causes call notifications to be sent to phone numbers in the called party's record "If any one of these locations pick up, a response IP packet is sent to the packet-switched network. Upon receipt of the response packet, the packet-switched network begins routing the packets from the caller to the called party's designation. . . . If no numbers in the primary group answer, the packet-switched network can then forward the call to the secondary group, which typically consists of a voice mail, or pager number." Col. 4, lines 43-57. As such, in *Archer*, the called party telephone number is not answered, and the call is always forwarded to another number. Accordingly, *Archer* individually and in combination with *Reding* fails to teach or suggest "call notification logic being operable to send a notification to the called party via a plurality of registered communication devices that the called party is detected to be present, the notification prompting the called party for instruction for handling the incoming call; and forwarding logic coupled to the call notification logic, the forwarding logic being operable to forward a call associated with the call query to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in the claim.

For example, *Reding* appears to disclose a system having a "notification server function 520 at the direction of application server function 516 may send a notification to user terminal 112 that the user is presently receiving a phone call at user's phone 114." Para. 0066. Accordingly, *Reding* teaches that a notification is sent while an incoming call has already been directed to a called party number. It fails to show at least "route the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 7. Therefore, *Reding* fails to cure the deficiencies of the *Archer* reference in suggesting or teaching all of the claimed features in claim 7. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Archer* in view of *Reding* has not been made.

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d. Claims 8-14

All of the claimed features of independent claim 7 are not taught and suggested by *Archer* and *Reding*, as previously discussed. Further, the cited art of *Cermak* and *Balasuriya* fails to cure the deficiencies of the *Archer* and *Reding* combination in suggesting or teaching all of the claimed features in claims 8-14 (which depend from respective independent claim 7). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Therefore, the rejections of claims 8-14 should be withdrawn.

e. Claim 15

As provided in independent claim 15, Applicants claim:

> A method of providing intelligent interactive call handling, comprising the steps of:
> receiving a call query to a called party telephone number from a call-handling device via a gateway;
> *sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present;*
> *connecting the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and*
> *routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.*

(Emphasis Added).

Applicant respectfully submits that independent claim 15 is allowable for at least the reason that *Archer* in view of *Reding* does not disclose, teach, or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; connecting the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above.

For example, *Archer* appears to disclose a system for a "find me" service where a call place to a telephone number for the "find me" service which causes call notifications to be sent to phone numbers in the called party's record "If any one of these locations pick up, a response IP

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packet is sent to the packet-switched network. Upon receipt of the response packet, the packet-switched network begins routing the packets from the caller to the called party's designation. . . . If no numbers in the primary group answer, the packet-switched network can then forward the call to the secondary group, which typically consists of a voice mail, or pager number." Col. 4, lines 43-57. As such, in *Archer*, the called party telephone number is not answered, and the call is always forwarded to another number. Accordingly, *Archer* individually and in combination with *Reding* fails to teach or suggest "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; connecting the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in the claim.

For example, *Reding* appears to disclose a system having a "notification server function 520 at the direction of application server function 516 may send a notification to user terminal 112 that the user is presently receiving a phone call at user's phone 114." Para. 0066. Accordingly, *Reding* teaches that a notification is sent while an incoming call has already been directed to a called party number. It fails to show at least "routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 15. Therefore, *Reding* fails to cure the deficiencies of the *Archer* reference in suggesting or teaching all of the claimed features in claim 15. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Archer* in view of *Reding* has not been made.

f. Claims 16-23

All of the claimed features of independent claim 15 are not taught and suggested by *Archer* in view of *Reding*, as previously discussed. Further, the cited art of *Cermak* and *Balasuriya* fails to cure the deficiencies of the *Archer* in view of *Reding* combination in suggesting or teaching all of the claimed features in claims 16-23 (which depend from respective independent claim 15). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Therefore, the rejections of claims 16-23 should be withdrawn.

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g. Claim 24

As provided in independent claim 24, Applicants claim:

> A computer readable medium having a program for providing intelligent interactive call handling, the program having instructions for performing the steps of:
>
> receiving a call query to a called party telephone number from a call-handling device via a gateway;
>
> *sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present;*
>
> *connecting the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and*
>
> *routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time.*

(Emphasis Added).

Applicant respectfully submits that independent claim 24 is allowable for at least the reason that *Archer* in view of *Reding* does not disclose, teach, or suggest at least "sending a notification to the called party via a plurality of registered communication devices that the called party is detected to be present; connecting the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited and emphasized above.

For example, *Archer* appears to disclose a system for a "find me" service where a call place to a telephone number for the "find me" service which causes call notifications to be sent to phone numbers in the called party's record "If any one of these locations pick up, a response IP packet is sent to the packet-switched network. Upon receipt of the response packet, the packet-switched network begins routing the packets from the caller to the called party's designation. . . . If no numbers in the primary group answer, the packet-switched network can then forward the call to the secondary group, which typically consists of a voice mail, or pager number." Col. 4, lines 43-57. As such, in *Archer*, the called party telephone number is not answered, and the call is always forwarded to another number. Accordingly, *Archer* individually and in combination with *Reding* fails to teach or suggest "sending a notification to the called party via a plurality of

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registered communication devices that the called party is detected to be present; connecting the call to the registered communication device in accordance with instruction from the called party that is received in reply to the notification; and routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in the claim.

For example, *Reding* appears to disclose a system having a "notification server function 520 at the direction of application server function 516 may send a notification to user terminal 112 that the user is presently receiving a phone call at user's phone 114." Para. 0066. Accordingly, *Reding* teaches that a notification is sent while an incoming call has already been directed to a called party number. It fails to show at least "routing the call to the called party telephone number if no instruction is received from the called party in reply to the notification after a set period of time," as recited in claim 24. Therefore, *Reding* fails to cure the deficiencies of the *Archer* reference in suggesting or teaching all of the claimed features in claim 24. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Archer* in view of *Reding* has not been made.

b. Claims 25-32

All of the claimed features of independent claim 24 are not taught and suggested by *Archer* in view of *Reding*, as previously discussed. Further, the cited art of *Cermak* and *Balasuriya* fails to cure the deficiencies of the *Archer* and *Reding* combination in suggesting or teaching all of the claimed features in claims 25-32 (which depend from respective independent claim 24). Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Therefore, the rejections of claims 25-32 should be withdrawn.

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CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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